

California Fair Political Practices Commission

February 24, 1987

Mr. Dave Low
Governmental Relations Representative
California School Employees Association
1127 11th Street, Suite 346
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-87-032

Dear Mr. Low:

You have requested advice on behalf of the California School Employees Association concerning the reporting of campaign expenditures pursuant to the Political Reform Act.^{1/}

QUESTIONS

1. Must the Association report the payments for reproducing and mailing the Association's newsletter to members and officers if the newsletter includes articles requesting membership participation in partisan political activities (e.g., requesting members of the Association to volunteer to work on campaigns or to vote for or against a particular candidate)?

2. Is an employer required to report reimbursements to employees for travel and meal costs incurred as a result of providing services for political purposes if these employees spend less than 10 percent of their time involved in this type of activity?

CONCLUSIONS

1. The Association will not incur a reporting obligation if the newsletter is sent only to its members and officers, is not issued on a date other than its regular schedule, and is not expanded in circulation or substantially altered in style, size or format.

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code. *

2. Reimbursement for meals, travel, accommodations and other personal expenses to employees who spend more than 10% of their compensated services for political purposes is reportable. However, such payments on behalf of employees who spend 10% or less of their compensated time providing services for political purposes are not reportable.

ANALYSIS

(1) Section 82025 states that an "expenditure" is:

"...a payment...unless it is clear from the surrounding circumstances that it is not made for political purposes..."

Regulation 18225(b) (copy enclosed) provides:

(4) ...the term expenditure does not include costs incurred for communications which expressly advocate the nomination, election or defeat of a clearly identified candidate or candidates or the qualification, passage or defeat of a clearly identified measure or measures by:

(C) A regularly published newsletter or regularly published periodical...whose circulation is limited to an organization's members, employees, shareholders, other affiliated individuals and those who request or purchase the publication. This paragraph applies only to the costs regularly incurred in publishing and distributing the newsletter or periodical. If additional costs are incurred because the newsletter or periodical is issued on other than its regular schedule, expanded in circulation, or substantially altered in style, size or format, the additional costs are expenditures.

(2) Regulation 18423 (copy enclosed) provides that:

(a) The payment of salary, reimbursement for personal expenses, or other compensation by an employer to an employee who spends more than 10% of his compensated time in any one month rendering services for political purposes is a contribution or expenditure....

Regulation 18423(d) further provides:

This regulation does not affect the obligations of an employer or any other person to report expenditures and contributions other than the salary, reimbursement for personal expenses, or compensation for personal services of an employee.

Mr. Dave Low
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Although the compensation and reimbursement for personal expenses of an employee who does not spend more than 10% of his or her compensated time rendering services for political purposes are not reportable, any other costs incurred by the employer are reportable contributions or expenditures. For example, any photocopying costs provided to a candidate by the Association are reportable expenditures.

If you have any further questions regarding this matter, please contact me at (916) 322-5662.

Sincerely,

Diane Griffiths
General Counsel

A handwritten signature in black ink, appearing to read "Mary Ann Kvasager". The signature is fluid and cursive, with the first name "Mary" and last name "Kvasager" clearly distinguishable.

By: Mary Ann Kvasager
Political Reform Consultant

DG:MAK:kmt

Enclosures

CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION

Governmental Relations Office • 1127 11th St., Ste., 346 • Sacramento, CA 95814 • (916) 444-0598

JAN 23 9 11 AM '87

January 22, 1987

Ms. Diane Griffiths
Chief Counsel
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

Dear Ms. Griffiths:

We are writing in request of an opinion whether certain expenditures are reportable under FPPC regulations.

First, with regard to newsletters, we send certain newsletters to our union members and officers each month. One of our newsletters contains updates on legislation and another instructs leaders on activities they are requested to perform, such as visiting legislators or meeting with chapters.

We would like to know whether it is a reportable expenditure if we include requests for partisan political activity in these newsletters. For example, if we request members to volunteer to work on campaigns or to vote for or against a candidate, must we report the cost of the newsletter? The request may or may not generate volunteers or votes, and the members receive no compensation from the union.

Second, with regard to staff volunteers, it is our understanding that a staff person can work for a candidate or campaign for less than 10% of their time and not have to report. What are the reporting requirements if this staff person must travel by car or plane to meet with campaign workers and is reimbursed by the union for travel costs and/or meals?

As we may be involved in a special election in the next month, we would appreciate a reply as soon as possible. Thank you for your assistance.

Sincerely,



Dave Low
Governmental Relations Representative

DL/cg



California Fair Political Practices Commission

January 26, 1987

Dave Low
Governmental Relations Representative
California School Employees
Association
1127 - 11th Street, Suite 346
Sacramento, CA 95814

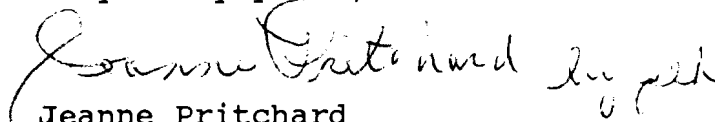
Re: 87-032

Dear Mr.Low:

Your letter requesting advice under the Political Reform Act was received on January 23, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days. You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,


Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:plh